

REMARKS

Claims 13 and 16-23 are pending in this application. By the Office Action, claims 13, 16-17 and 19-23 are rejected under 35 U.S.C. §102, and claims 13 and 16-23 are rejected under 35 U.S.C. §103. By this Amendment, claims 13, 21, and 23 are amended. No new matter is added.

II. Art Rejections Under §102 and §103

A. Rejections Based on Hanna 455

In paragraph 6 of the Office Action, claims 13, 16-17 and 19-23 are rejected under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a) over EP 860 417 (as evidenced by Hanna, U.S. Patent No. 6,174,455). In paragraph 7 of the Office Action, claim 18 is rejected under 35 U.S.C. §103(a) over EP 860 417 in view of EP 763 532. Applicants respectfully traverse these rejections.

By this Amendment, independent claims 13 and 21 are amended to more clearly distinguish over EP 860 417.

The Office Action indicates in paragraph 8 that filing an accurate English-language translation of Japanese priority application no. 11-002955 will overcome these rejections. Attached hereto is an accurate English-language translation of Japanese priority application no. 11-002955.

Accordingly, the rejections are overcome and should be withdrawn. Reconsideration and withdrawal of the rejections are respectfully requested.

B. Rejections Based on Hanna 787

In paragraph 9 of the Office Action, claims 13 and 16-23 are rejected under 35 U.S.C. §103(a) over EP 864 631 (as evidenced by Hanna, U.S. Patent No. 6,224,787) in view of Kawasumi. Applicants respectfully traverse this rejection.

The Office Action indicates in paragraph 10 that filing an accurate English-language translation of Japanese priority application no. 11-002955 will overcome this rejection. Attached hereto is an accurate English-language translation of Japanese priority application no. 11-002955.

Accordingly, the rejection is overcome and should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Rejections Based on Kawasumi

In paragraph 11 of the Office Action, claims 13 and 16-23 are rejected under 35 U.S.C. §103(a) over Kawasumi in view of EP 763 532. Applicants respectfully traverse this rejection.

The Office Action indicates that amending the claims to exclude the presence of the second substance would overcome Kawasumi as prior art. Without necessarily conceding the propriety of the rejection, the claims are amended herein to recite an information recording medium or a device "consisting of" the recited components. As such, the claims are distinguished over the cited references.

Accordingly, the rejection is overcome and should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

D. Rejections Based on Shimizu

In paragraph 12 of the Office Action, claims 13 and 16-23 are rejected under 35 U.S.C. §103(a) over JP 09-043581 (as evidenced by Shimizu, U.S. Patent No. 5,905,547) in view of EP 763 532 and Kawasumi. In paragraph 13 of the Office Action, claim 13 is rejected under 35 U.S.C. §103(a) over JP 09-043581 in view of Fujimura as evidenced by Clark. Applicants respectfully traverse these rejections.

For all of the reasons previously set forth of record, the cited references would not have rendered obvious the claimed invention. In response to those arguments, the Office

Action indicates that the "comprising" language of the previous claims did not overcome the references. However, without necessarily conceding the propriety of the rejections, the claims are amended herein to recite an information recording medium or a device "consisting of" the recited components. As such, the claims are distinguished over the cited references.


Accordingly, the rejections are overcome and should be withdrawn. Reconsideration and withdrawal of the rejections are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:JSA

Attachment

Accurate English-language translation of Japanese priority application no. 11-002955

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